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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,815	06/26/2003	Hans Van Der Touw	119304-1001	5495

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EXAMINER

NGUYEN, JIMMY T

ART UNIT PAPER NUMBER

3725

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/606,815	<b>Applicant(s)</b> TOUW ET AL.	
	<b>Examiner</b> Jimmy T. Nguyen	<b>Art Unit</b> 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,5-9,12,13,15 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9,12 and 13 is/are allowed.
- 6) ☒ Claim(s) 1,5-8,15 and 18-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 10, 2005 has been entered.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 5, 6, 8, 15, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lombardo (US 5,078,567) in view of Tracy (US 5,001,977).**

Regarding claims 1 and 5, Lombardo discloses a recycling center comprising: a portable container (14) having a storage area (see the illustration below) configured to store recyclable material (see col. 6, lines 27-30), a work area (see the illustration below) configured to accommodate an attendant and a door (114) configured to separate the work area from the storage area (see the illustration below); a compactor (80) accessible to the attendant (accessible through a door (96) and configured to decrease the volume of recyclable material into stackable biscuits; holding bins (130) in the storage area. Lombardo discloses a power supply to power the compactor can be hydraulic fluid from the truck's hydraulic system or electrical power (col. 7,

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lines 40-44). Lombardo does not disclose the power supply is a rechargeable battery. However, the patent to Tracy teaches a compactor (1) powered by a rechargeable battery (7). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the compactor's power supply of Lombardo with the type of power supply (i.e. a rechargeable battery), as taught by Tracy, in order to make the compactor a self-container apparatus.

Note that Lombardo discloses that a person/attendant can enter the work area (i.e. a rear compartment) of the container to open several doors in the container (col. 7, lines 1-6); and thus, work area configured to accommodate the person/attendant.

Regarding claims 6 and 20, the holding bin is accessible from the exterior of the portable container through a portal (56).

Regarding claim 8, Lombardo discloses that the person/attendant can enter the work area (i.e. a rear compartment) of the container to open several doors in the container (col. 7; lines 1-6); and thus, work area is configured to shelter the attendant from adverse weather conditions.

Regarding claim 15, the claim is rejected for substantially the same reasons as set forth in the rejection to claim 1 above. Lombardo discloses a collection location (Examiner interprets a location where the truck (10) stops to pick the recyclable material is the collection location as claimed); a portable recycling container (14); a door (114); a work area and a storage area (see the illustration below); and a compactor (80). Lombardo discloses a power supply to power the compactor can be hydraulic fluid from the truck's hydraulic system or electrical power (col. 7, lines 40-44). Lombardo does not disclose the power supply is a rechargeable battery. However, the patent to Tracy teaches a compactor (1) powered by a rechargeable battery (7). Therefore, it

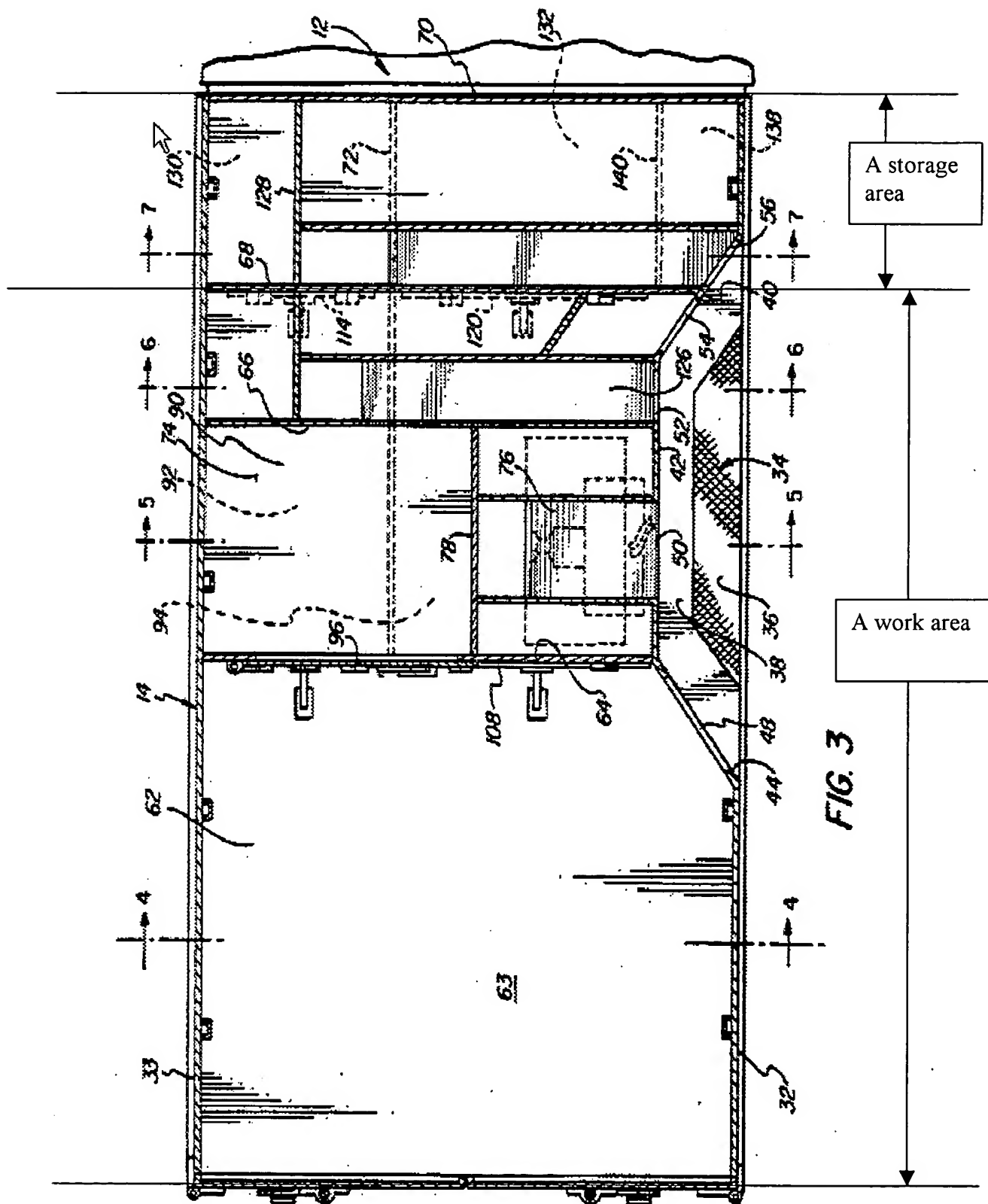
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would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the compactor's power supply of Lombardo with the type of power supply (i.e. a rechargeable battery), as taught by Tracy, in order to make the compactor a self-container apparatus.

Regarding claim 18, the container further comprises a rear door (120) to unload the storage area.

Regarding claim 19, the storage area has a holding bin (130).

Regarding claim 21, the claim is rejected for substantially the same reasons as set forth in the rejection to claims 1 and 6 above. Lombardo discloses a recycling center comprising: a portable container (14); a door (114); a work area and a storage area (see the illustration below); a holding bin (130); a portal (56); and a compactor (80). Lombardo discloses a power supply to power the compactor can be hydraulic fluid from the truck's hydraulic system or electrical power (col. 7, lines 40-44). Lombardo does not disclose the power supply is a rechargeable battery. However, the patent to Tracy teaches a compactor (1) powered by a rechargeable battery (7). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the compactor's power supply of Lombardo with the type of power supply (i.e. a rechargeable battery), as taught by Tracy, in order to make the compactor a self-container apparatus.



**Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lombardo and Tracy, as applied to claim 1 above, further in view of Schulze, Jr. (US 5,111,927).**

Lombardo discloses the invention substantially as claimed as set forth above except for a reverse vending machine (RVM). However, the patent to Schulze, Jr. teaches that it is old and well known in the recycling art to provide a recycling container/apparatus with an RVM (fig. 1). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Lombardo with an RVM, as taught by Schulze, Jr., in order to accept recycling material in the absence of an attendant.

#### ***Allowable Subject Matter***

Claims 9, and 12-13 are allowed.

Claim 9 is allowable because the art of record, considered alone or in combination, neither anticipates nor renders obvious a method for collecting recyclable materials comprising the steps of: *providing a portable container having a door configured to separate a work area and a storage area; receiving recyclable materials in the work area; sorting the recyclable material in the storage area; and storing the recyclable material in the storage area*, in combination the rest of the claimed limitations.

#### ***Response to Arguments***

Applicant's arguments filed March 10, 2005 have been considered but are moot in view of the new ground(s) of rejection.

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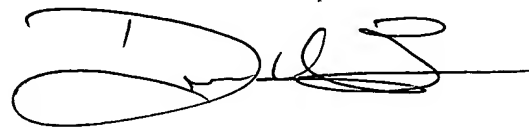
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTNguyen  
July 19, 2005



DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
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